

# Exhibit A

IN THE FIRST JUDICIAL DISTRICT  
COUNTY OF SANTA FE  
STATE OF NEW MEXICO

LESEY FAY AND PETER FAY,  
Plaintiff,

vs.

NO.D-101-CV-2017-01749  
Case assigned to Singleton, Sarah

THE HARTFORD INSURANCE COMPANY,  
SENTINEL INSURANCE COMPANY, and  
YVONNE LYNCH, individually and as an employee  
of THE HARTFORD INSURANCE COMPANY,  
Defendants.

**COMPLAINT**

COMES NOW, the Plaintiffs herein, and for their Complaint state:

1. Plaintiffs are a residents of San Miguel De Allende, Mexico. Plaintiffs are the former owners of Graham's Grille, a restaurant in Taos, Taos County, New Mexico and of Graham's Inc, a defunct New Mexico corporation. Plaintiffs are the successors in interest to Graham's Inc.

2. The Hartford Insurance Company ("Defendant Hartford") is an insurance company authorized to do business in the State of New Mexico who at all material times hereto insured Plaintiffs against their losses described herein. Service upon Defendant Hartford is upon the Superintendent of Insurance, located in Sante Fe, New Mexico making venue proper in Sante Fe County.

3. Sentinel Insurance Company ("Defendant Sentinel") is an insurance company authorized to do business in the State of New Mexico and who at all material times hereto insured the Plaintiffs against their losses described herein. Service upon Defendant Sentinel is upon the Superintendent of Insurance, located in Sante Fe, New Mexico making venue proper in Sante Fe County.

4. At all material times hereto, Defendant Yvonne Lynch was or is an “Inside Claims Representative” with Defendant Hartford and is being sued in her official and individual capacity. Defendant Lynch’s residency is unknown.

5. In or about September 2013 Graham’s Grille was forced to close for business.

6. Defendants denied Plaintiffs claim for damages and for insurance benefits under their policy.

7. Defendants Hartford and Sentinel breached their fiduciary duty to Plaintiffs; breached their contract with Plaintiff, took an unreasonable time to respond and process Plaintiffs’ claims, and acted in bad faith in denying Plaintiff’s claim for damages resulting from their claim involving the closure of their restaurant Graham’s Grille and their business loss/losses.

8. Defendant Lynch’s conduct was intentional and done in bad faith.

9. As a result thereof, Plaintiffs were damaged.

10. Plaintiffs are entitled to an award of punitive damages.

WHEREFORE, Petitioner prays that the Court for judgement against the Defendants for Plaintiff’s actual damages, punitive damages, costs of suit, attorney’s fees, and any such other and further relief as the Court may deem just and proper in the premises.

/s/ Samuel M. Herrera

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SAMUEL M. HERRERA  
The Herrera Firm P.C.  
Attorney for Plaintiff  
P.O. Box 2345  
Taos, New Mexico 87571  
(575) 751-0417

IN THE FIRST JUDICIAL DISTRICT  
COUNTY OF SANTA FE  
STATE OF NEW MEXICO

LESEY FAY AND PETER FAY,  
Plaintiff,

vs.

NO. D-101-CV-2017-01749

Case assigned to Singleton, Sarah

THE HARTFORD INSURANCE COMPANY,  
SENTINEL INSURANCE COMPANY, and  
YVONNE LYNCH, individually and as an employee  
of THE HARTFORD INSURANCE COMPANY,  
Defendants.

**JURY DEMAND**

COMES NOW, Lesley Fay and Peter Fay, by and through their attorney, Samuel M. Herrera  
of The Herrera Firm, P.C., hereby demands a trial by a six (6) person jury of all issues triable of right  
by jury and hereby tenders the sum of \$150.00 for jury fee.

/s/ Samuel M. Herrera

SAMUEL M. HERRERA  
THE HERRERA FIRM, P.C.  
Attorney for the Plaintiffs  
P.O. Box 2345  
Taos, New Mexico 87571  
(575) 751-0417  
*herrerafirm@qwestoffice.net*

IN THE FIRST JUDICIAL DISTRICT  
COUNTY OF SANTA FE  
STATE OF NEW MEXICO

LESEY FAY AND PETER FAY,  
Plaintiffs,

vs.

No. D-101-CV-2017-01749

THE HARTFORD INSURANCE COMPANY,  
HARTFORD FINANCIAL SERVICES GROUP INC.,  
SENTINEL INSURANCE COMPANY, and  
YVONNE LYNCH, individually and as an employee  
of THE HARTFORD INSURANCE COMPANY and/or  
HARTFORD FINANCIAL SERVICES GROUP INC., or  
SENTINEL INSURANCE COMPANY, CRAIG  
BEAUDRY, individually and as an employee  
of BEAUDRY INSURANCE AGENCY LLC.  
Defendants.

**FIRST AMENDED COMPLAINT**

COMES NOW, the Plaintiffs herein, and for their Complaint state:

**GENERAL ALLEGATIONS**

1. Plaintiffs are a residents of San Miguel De Allende, Mexico. Plaintiffs are the former owners of Graham's Grille, a restaurant in Taos, Taos County, New Mexico and of Graham's Inc, a defunct New Mexico corporation. Plaintiffs are the successors in interest to Graham's Inc.

2. The Hartford Insurance Company Inc. and Hartford Financial Services Group Inc. ("collectively Defendant Hartford") are insurance companies authorized to do business in the State of New Mexico who at all material times hereto insured Plaintiffs against their losses described herein. Service upon Defendant Hartford is upon the Superintendent of Insurance, located in Sante Fe, New Mexico making venue proper in Sante Fe County.

3. Sentinel Insurance Company (“Defendant Sentinel”) is an insurance company authorized to do business in the State of New Mexico and who at all material times hereto insured the Plaintiffs against their losses described herein. Service upon Defendant Sentinel is upon the Superintendent of Insurance, located in Santa Fe, New Mexico making venue proper in Santa Fe County.

4. At all material times hereto, Defendant Yvonne Lynch (“Defendant Lynch”) was or is an “Inside Claims Representative” with Defendant Hartford and is being sued in her official and individual capacity. Defendant Lynch’s residency is unknown.

5. Defendant Craig Beaudry (“Defendant Beaudry”) is the agent that sold Plaintiffs their insurance described herein. Defendant Beaudry is being sued in his individual capacity and as an owner and employee of Beaudry Insurance Agency LLC. Upon information and belief, Defendant Beaudry is a resident of Santa Fe, New Mexico.

6. Defendant Beaudry Insurance Agency LLC is a New Mexico limited liability company whose office is located at 603 Paseo Del Pueblo Norte, Taos, N.M. 87571. For all intensive purposes, the business is no longer operational with all business being directed to Defendant Beaudry’s current employer, Reynolds + Rodar Insurance Group Inc.

#### **COUNT I: BREACH OF CONTRACT**

7. Plaintiffs re-state and re-allege the foregoing allegations as if fully set forth herein.
8. Plaintiffs opened their restaurant to the public on March 15, 2007.
9. On or about October 23, 2006 the Plaintiffs purchased Business Interruption insurance through the Defendants for Graham’s Grille restaurant.
10. On or about March 15, 2007 they opened their restaurant for business.
11. During the entirety of the existence and operation of the restaurant, the restaurant had

difficulties with the municipal sewer system that served the restaurant.

12. In or about September 2013 Graham's Grille was forced to close for business as a result to of the defective municipal sewer system.

13. Thereafter, Plaintiffs made a claim for damages and for insurance benefits under their insurance policy with Defendants.

14. As of the date of the filing of this Complaint, the Defendants have neither paid or denied Plaintiffs' claim.

15. As a result thereof, Plaintiffs were damaged.

**COUNT II: INSURANCE BAD FAITH**

16. Plaintiffs re-state and re-allege the foregoing allegations as if fully set forth herein.

17. A policy of insurance is a contract. There is implied in every insurance policy a duty on the part of the insurance company to deal fairly with the policyholder. Fair dealing means to act honestly and in good faith in the performance of the contract.

18. Defendants have a duty to timely investigate and fairly evaluate Plaintiffs' claim.

19. Defendants Hartford and Sentinel took an unreasonable time to respond to and process Plaintiffs' claim and acted in bad faith in reviewing and assessing Plaintiffs claim.

20. In the aftermath of the closure of the business and the making of a claim against their policy, Plaintiffs maintained contact with Defendant Lynch regarding the status of their claim. Plaintiffs provided Defendants with all of the information they requested from Plaintiffs and which was in the custody or control of the Plaintiffs.

21. Defendants Hartford and Sentinel took an unreasonable time to respond to and process Plaintiffs' claims and acted in bad faith in reviewing and assessing Plaintiffs claims. Defendants'

failure to conduct a competent investigation of the claim, failure to settle their claim, and to honestly and fairly balance its own interests and the interests of the Plaintiffs in reviewing the claim is bad faith.

22. Defendants failed to act honestly and in good faith in the performance of the insurance contract.

23. Defendants Hartford and Sentinel breached their fiduciary duty to Plaintiffs with Plaintiffs by failing to timely process and pay their claim.

24. Defendants conduct, including that of Defendant Lynch, was intentional or was grossly negligent and done in bad faith.

25. As a result thereof, Plaintiffs were damaged.

### **COUNT III: VIOLATION OF INSURANCE CODE**

26. Plaintiffs re-state and re-allege the foregoing allegations as if fully set forth herein.

27. There was in force in this state, at the time of the claim handling in this case, a law prohibiting certain practices by insurance companies. Defendants failed to attempt in good faith to effectuate a prompt, fair and equitable settlement of Plaintiffs' claim contrary to Section 59A-16-20 NMSA.

28. As a result, Defendants are liable to plaintiff for damages proximately caused by their conduct because they acted knowingly or engaged in the practice with such frequency as to indicate that such conduct was its general business practice.

29. As a result thereof, Plaintiffs were damaged.

### **COUNT IV: VIOLATION OF UNFAIR TRADE PRACTICES ACT**

30. Plaintiffs re-state and re-allege the foregoing allegations as if fully set forth herein.



31. There was in force in this state, at the time of the dealings in this case, a law prohibiting a person selling insurance from engaging in unfair or deceptive trade practices. An unfair or deceptive trade practice is any false or misleading oral or written statement, visual description or other representation which tends to or does deceive or mislead the policyholder.

32. Defendants Beaudry and Beaudry Insurance sold Plaintiffs their insurance.

33. Defendants Hartford Insurance Company and Sentinel Insurance Company direct, handle, administer and adjust all claims submitted by policy holders of the Defendants, including Plaintiffs' claim.

34. Section 57-12-2(D) defines an unfair trade practice as: "(17) failure to deliver the quality or quantity of goods or services contracted for.".

35. Said Defendants failed to provide insurance coverage contracted for by Plaintiffs.

36. Said Defendants made false statements to Plaintiffs that they were covered for their business loss, said Defendants made statements in connection with the sale of services and knew the statements were false, said Defendants made the statement in the regular course of trade or commerce, and the statement was one which may, tended to, or does deceive or mislead persons.

37. As such, said Defendants are liable for any an all errors and misconduct with respect to Plaintiffs' insurance claim.

38. As a result thereof, Plaintiffs were damaged.

### **PUNITIVE DAMAGES**

39. Plaintiffs re-state and re-allege the foregoing allegations as if fully set forth herein.

40. The conduct of the Defendants was in reckless disregard for the interests of the Plaintiffs, or was based on a dishonest judgment, or was otherwise malicious, willful or wanton. Plaintiffs are

entitled to an award of punitive damages against Defendants.

WHEREFORE, Plaintiffs pray for judgement against the Defendants for Plaintiff's actual damages, special damages, punitive damages, costs of suit, attorney's fees, and any such other and further relief as the Court may deem just and proper in the premises.

/s/ Samuel M. Herrera

---

SAMUEL M. HERRERA  
The Herrera Firm P.C.  
Attorney for Plaintiff  
P.O. Box 2345  
Taos, New Mexico 87571  
(575) 751-0417

SUMMONS	
District Court: FIRST JUDICIAL SANTA FE County, New Mexico Court Address: Post Office Box 2268 / 225 Montezuma Ave. Santa Fe, New Mexico 87504 / 87501 Court Telephone No.: 505-455-8250	Case Number: D-101-CV-2017-01749  Assigned Judge: Sarah Singleton
LESEY FAY AND PETER FAY, Plaintiffs, vs. THE HARTFORD INSURANCE COMPANY, HARTFORD FINANCIAL SERVICES GROUP INC., SENTINEL INSURANCE COMPANY, and YVONNE LYNCH, individually and as an employee of THE HARTFORD INSURANCE COMPANY and/or HARTFORD FINANCIAL SERVICES GROUP INC., SENTINEL INSURANCE COMPANY, and CRAIG BEAUDRY, individually and as an employee of BEAUDRY INSURANCE AGENCY LLC. Defendants.	Defendant  SENTINEL INSURANCE COMPANY, P.O. Box 14266 Lexington, Kentucky 40512

**TO THE ABOVE NAMED DEFENDANT(S):** Take notice that

1. A lawsuit has been filed against you. A copy of the lawsuit is attached. The Court issued this Summons.
2. You must respond to this lawsuit in writing. You must file your written response with the Court no later than thirty (30) days from the date you are served with this Summons. (The date you are considered served with the Summons is determined by Rule 1-004 NMRA) The Court's address is listed above.
3. You must file (in person or by mail) your written response with the Court. When you file your response, you must give or mail a copy to the person who signed the lawsuit.
4. If you do not respond in writing, the Court may enter judgment against you as requested in the lawsuit.
5. You are entitled to a jury trial in most types of lawsuits. To ask for a jury trial, you must request one in writing and pay a jury fee.
6. If you need an interpreter, you must ask for one in writing.
7. You may wish to consult a lawyer. You may contact the State Bar of New Mexico for help finding a lawyer at [www.nmbar.org](http://www.nmbar.org); 1-800-876-6657; or 1-505-797-6066.

Dated at Santa Fe, New Mexico, this 30 day of July, 2017.STEPHEN T. PACHECO  
CLERK OF DISTRICT COURTBy: 

Deputy



/s/ Samuel M. Herrera

Samuel M. Herrera  
The Herrera Firm PC  
Attorney for the Plaintiffs

P.O. Box 2345  
Taos, New Mexico 87571  
(575) 751-0417  
herrerafirm@qwestoffice.net

THIS SUMMONS IS ISSUED PURSUANT TO RULE 1-004 OF THE NEW MEXICO  
RULES OF CIVIL PROCEDURE FOR DISTRICT COURTS.

**RETURN<sup>1</sup>**

STATE OF NEW MEXICO )  
 )ss  
COUNTY OF \_\_\_\_\_ )

I, being duly sworn, on oath, state that I am over the age of eighteen (18) years and not a party to this lawsuit, and that I served this summons in \_\_\_\_\_ county on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, by delivering a copy of this summons, with a copy of complaint attached, in the following manner:

**(check one box and fill in appropriate blanks)**

☐ to the defendant \_\_\_\_\_ (*used when defendant accepts a copy of summons and complaint or refuses to accept the summons and complaint*)

☐ to the defendant by [mail] [courier service] as provided by Rule 1-004 NMRA (*used when service is by mail or commercial courier service*).

After attempting to serve the summons and complaint on the defendant by personal service or by mail or commercial courier service, by delivering a copy of this summons, with a copy of complaint attached, in the following manner:

☐ to \_\_\_\_\_, a person over fifteen (15) years of age and residing at the usual place of abode of defendant \_\_\_\_\_, (*used when the defendant is not presently at place of abode*) and by mailing by first class mail to the defendant at \_\_\_\_\_ (*insert defendant's last known mailing address*) a copy of the summons and complaint.

☐ to \_\_\_\_\_, the person apparently in charge at the actual place of business or employment of the defendant and by mailing by first class mail to the defendant at \_\_\_\_\_ (*insert defendant's business address*) and by mailing the summons and complaint by first class mail to the defendant at \_\_\_\_\_ (*insert defendant's last known mailing address*).

☐ to \_\_\_\_\_, an agent authorized to receive service of process for defendant \_\_\_\_\_.

☐ to \_\_\_\_\_, [parent] [guardian] [custodian] [conservator] [guardian ad litem] of defendant \_\_\_\_\_ (*used when defendant is a minor or an*

*incompetent person*).

[ ] to \_\_\_\_\_ (*name of person*), \_\_\_\_\_,  
(*title of person authorized to receive service. Use this alternative when the defendant is a corporation or an association subject to a suit under a common name, a land grant board of trustees, the State of New Mexico or any political subdivision*).

Fees: \_\_\_\_\_

\_\_\_\_\_  
Signature of person making service

\_\_\_\_\_  
Title (*if any*)

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_<sup>2</sup>

\_\_\_\_\_  
Judge, notary or other officer  
authorized to administer oaths

\_\_\_\_\_  
Official title

#### USE NOTE

1. Unless otherwise ordered by the court, this return is not to be filed with the court prior to service of the summons and complaint on the defendant.

2. If service is made by the sheriff or a deputy sheriff of a New Mexico county, the signature of the sheriff or deputy sheriff need not be notarized.

[Adopted effective August 1, 1988; as amended by Supreme Court Order 05-8300-01, effective March 1, 2005; by Supreme Court Order 07-8300-16, effective August 1, 2007; by Supreme Court Order No. 12-8300-026, effective for all cases filed or pending on or after January 7, 2013.]



**SUMMONS**

District Court: FIRST JUDICIAL SANTA FE County, New Mexico Court Address: Post Office Box 2268 / 225 Montezuma Ave. Santa Fe, New Mexico 87504 / 87501 Court Telephone No.: 505-455-8250	Case Number: D-101-CV-2017-01749  Assigned Judge: Sarah Singleton
LESEY FAY AND PETER FAY, Plaintiffs, vs. THE HARTFORD INSURANCE COMPANY, HARTFORD FINANCIAL SERVICES GROUP INC., SENTINEL INSURANCE COMPANY, and YVONNE LYNCH, individually and as an employee of THE HARTFORD INSURANCE COMPANY and/or HARTFORD FINANCIAL SERVICES GROUP INC., SENTINEL INSURANCE COMPANY, and CRAIG BEAUDRY, individually and as an employee of BEAUDRY INSURANCE AGENCY LLC. Defendants.	Defendant  BEAUDRY INSURANCE AGENCY LLC. 603 Paseo Del Pueblo Norte Taos, N.M. 87571

**TO THE ABOVE NAMED DEFENDANT(S):** Take notice that

1. A lawsuit has been filed against you. A copy of the lawsuit is attached. The Court issued this Summons.
2. You must respond to this lawsuit in writing. You must file your written response with the Court no later than thirty (30) days from the date you are served with this Summons. (The date you are considered served with the Summons is determined by Rule 1-004 NMRA) The Court's address is listed above.
3. You must file (in person or by mail) your written response with the Court. When you file your response, you must give or mail a copy to the person who signed the lawsuit.
4. If you do not respond in writing, the Court may enter judgment against you as requested in the lawsuit.
5. You are entitled to a jury trial in most types of lawsuits. To ask for a jury trial, you must request one in writing and pay a jury fee.
6. If you need an interpreter, you must ask for one in writing.
7. You may wish to consult a lawyer. You may contact the State Bar of New Mexico for help finding a lawyer at [www.nmbar.org](http://www.nmbar.org); 1-800-876-6657; or 1-505-797-6066.

Dated at Santa Fe, New Mexico, this 30 day of July, 2017.

STEPHEN T. PACHECO  
CLERK OF DISTRICT COURT

By: *Victoria M.*

Deputy



/s/ Samuel M. Herrera

Samuel M. Herrera  
The Herrera Firm PC  
Attorney for the Plaintiffs

P.O. Box 2345  
Taos, New Mexico 87571  
(575) 751-0417  
herrerafirm@qwestoffice.net

THIS SUMMONS IS ISSUED PURSUANT TO RULE 1-004 OF THE NEW MEXICO  
RULES OF CIVIL PROCEDURE FOR DISTRICT COURTS.

**RETURN<sup>1</sup>**

STATE OF NEW MEXICO )  
 )ss  
COUNTY OF \_\_\_\_\_ )

I, being duly sworn, on oath, state that I am over the age of eighteen (18) years and not a party to this lawsuit, and that I served this summons in \_\_\_\_\_ county on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, by delivering a copy of this summons, with a copy of complaint attached, in the following manner:

**(check one box and fill in appropriate blanks)**

☐ to the defendant \_\_\_\_\_ (*used when defendant accepts a copy of summons and complaint or refuses to accept the summons and complaint*)

☐ to the defendant by [mail] [courier service] as provided by Rule 1-004 NMRA (*used when service is by mail or commercial courier service*).

After attempting to serve the summons and complaint on the defendant by personal service or by mail or commercial courier service, by delivering a copy of this summons, with a copy of complaint attached, in the following manner:

☐ to \_\_\_\_\_, a person over fifteen (15) years of age and residing at the usual place of abode of defendant \_\_\_\_\_, (*used when the defendant is not presently at place of abode*) and by mailing by first class mail to the defendant at \_\_\_\_\_ (*insert defendant's last known mailing address*) a copy of the summons and complaint.

☐ to \_\_\_\_\_, the person apparently in charge at the actual place of business or employment of the defendant and by mailing by first class mail to the defendant at \_\_\_\_\_ (*insert defendant's business address*) and by mailing the summons and complaint by first class mail to the defendant at \_\_\_\_\_ (*insert defendant's last known mailing address*).

☐ to \_\_\_\_\_, an agent authorized to receive service of process for defendant \_\_\_\_\_.

☐ to \_\_\_\_\_, [parent] [guardian] [custodian] [conservator] [guardian ad litem] of defendant \_\_\_\_\_ (*used when defendant is a minor or an*

*incompetent person*).

[ ] to \_\_\_\_\_ (*name of person*), \_\_\_\_\_,  
(*title of person authorized to receive service. Use this alternative when the defendant is a corporation or an association subject to a suit under a common name, a land grant board of trustees, the State of New Mexico or any political subdivision*).

Fees: \_\_\_\_\_

\_\_\_\_\_  
Signature of person making service

\_\_\_\_\_  
Title (*if any*)

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_<sup>2</sup>

\_\_\_\_\_  
Judge, notary or other officer  
authorized to administer oaths

\_\_\_\_\_  
Official title

#### USE NOTE

1. Unless otherwise ordered by the court, this return is not to be filed with the court prior to service of the summons and complaint on the defendant.

2. If service is made by the sheriff or a deputy sheriff of a New Mexico county, the signature of the sheriff or deputy sheriff need not be notarized.

[Adopted effective August 1, 1988; as amended by Supreme Court Order 05-8300-01, effective March 1, 2005; by Supreme Court Order 07-8300-16, effective August 1, 2007; by Supreme Court Order No. 12-8300-026, effective for all cases filed or pending on or after January 7, 2013.]



**SUMMONS**

District Court: FIRST JUDICIAL SANTA FE County, New Mexico Court Address: Post Office Box 2268 / 225 Montezuma Ave. Santa Fe, New Mexico 87504 / 87501 Court Telephone No.: 505-455-8250	Case Number: D-101-CV-2017-01749  Assigned Judge: Sarah Singleton
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  4. If you do not respond in writing, the Court may enter judgment against you as requested in the lawsuit.
  5. You are entitled to a jury trial in most types of lawsuits. To ask for a jury trial, you must request one in writing and pay a jury fee.
  6. If you need an interpreter, you must ask for one in writing.
  7. You may wish to consult a lawyer. You may contact the State Bar of New Mexico for help finding a lawyer at [www.nmbar.org](http://www.nmbar.org); 1-800-876-6657; or 1-505-797-6066.
- Dated at Santa Fe, New Mexico, this 30 day of July, 2017.

STEPHEN T. PACHECO  
CLERK OF DISTRICT COURT

By: *Victoria*

Deputy



/s/ Samuel M. Herrera

Samuel M. Herrera

## RETURN<sup>1</sup>

[ ] to \_\_\_\_\_, an agent authorized to receive service of process for  
defendant \_\_\_\_\_.

[ ] to \_\_\_\_\_, [parent] [guardian] [custodian] [conservator] [guardian ad litem] of defendant \_\_\_\_\_ (*used when defendant is a minor or an incompetent person*).

[ ] to \_\_\_\_\_ (*name of person*), \_\_\_\_\_, (*title of person authorized to receive service. Use this alternative when the defendant is a corporation or an association subject to a suit under a common name, a land grant board of trustees, the State of New Mexico or any political subdivision*).

Fees: \_\_\_\_\_

\_\_\_\_\_  
Signature of person making service

\_\_\_\_\_  
Title (*if any*)

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_<sup>2</sup>

\_\_\_\_\_  
Judge, notary or other officer  
authorized to administer oaths

\_\_\_\_\_  
Official title

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SUMMONS	
District Court: FIRST JUDICIAL SANTA FE County, New Mexico Court Address: Post Office Box 2268 / 225 Montezuma Ave. Santa Fe, New Mexico 87504 / 87501 Court Telephone No.: 505-455-8250	Case Number: D-101-CV-2017-01749  Assigned Judge: Sarah Singleton
LESEY FAY AND PETER FAY, Plaintiffs, vs. THE HARTFORD INSURANCE COMPANY, HARTFORD FINANCIAL SERVICES GROUP INC., SENTINEL INSURANCE COMPANY, and YVONNE LYNCH, individually and as an employee of THE HARTFORD INSURANCE COMPANY and/or HARTFORD FINANCIAL SERVICES GROUP INC., SENTINEL INSURANCE COMPANY, and CRAIG BEAUDRY, individually and as an employee of BEAUDRY INSURANCE AGENCY LLC. Defendants.	Defendant  HARTFORD FINANCIAL SERVICES GROUP INC. P.O. Box 14266 Lexington, Kentucky 40512

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4. If you do not respond in writing, the Court may enter judgment against you as requested in the lawsuit.
5. You are entitled to a jury trial in most types of lawsuits. To ask for a jury trial, you must request one in writing and pay a jury fee.
6. If you need an interpreter, you must ask for one in writing.
7. You may wish to consult a lawyer. You may contact the State Bar of New Mexico for help finding a lawyer at [www.nmbar.org](http://www.nmbar.org); 1-800-876-6657; or 1-505-797-6066.

Dated at Santa Fe, New Mexico, this 30 day of July, 2017.

STEPHEN T. PACHECO  
CLERK OF DISTRICT COURT

By: 

Deputy



/s/ Samuel M. Herrera

Samuel M. Herrera  
The Herrera Firm PC  
Attorney for the Plaintiffs



P.O. Box 2345  
Taos, New Mexico 87571  
(575) 751-0417  
herrerafirm@qwestoffice.net

THIS SUMMONS IS ISSUED PURSUANT TO RULE 1-004 OF THE NEW MEXICO  
RULES OF CIVIL PROCEDURE FOR DISTRICT COURTS.

**RETURN<sup>1</sup>**

STATE OF NEW MEXICO )  
 )ss  
COUNTY OF \_\_\_\_\_ )

I, being duly sworn, on oath, state that I am over the age of eighteen (18) years and not a party to this lawsuit, and that I served this summons in \_\_\_\_\_ county on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, by delivering a copy of this summons, with a copy of complaint attached, in the following manner:

**(check one box and fill in appropriate blanks)**

☐ to the defendant \_\_\_\_\_ (*used when defendant accepts a copy of summons and complaint or refuses to accept the summons and complaint*)

☐ to the defendant by [mail] [courier service] as provided by Rule 1-004 NMRA (*used when service is by mail or commercial courier service*).

After attempting to serve the summons and complaint on the defendant by personal service or by mail or commercial courier service, by delivering a copy of this summons, with a copy of complaint attached, in the following manner:

☐ to \_\_\_\_\_, a person over fifteen (15) years of age and residing at the usual place of abode of defendant \_\_\_\_\_, (*used when the defendant is not presently at place of abode*) and by mailing by first class mail to the defendant at \_\_\_\_\_ (*insert defendant's last known mailing address*) a copy of the summons and complaint.

☐ to \_\_\_\_\_, the person apparently in charge at the actual place of business or employment of the defendant and by mailing by first class mail to the defendant at \_\_\_\_\_ (*insert defendant's business address*) and by mailing the summons and complaint by first class mail to the defendant at \_\_\_\_\_ (*insert defendant's last known mailing address*).

☐ to \_\_\_\_\_, an agent authorized to receive service of process for defendant \_\_\_\_\_.

☐ to \_\_\_\_\_, [parent] [guardian] [custodian] [conservator] [guardian ad litem] of defendant \_\_\_\_\_ (*used when defendant is a minor or an*

*incompetent person*).

[ ] to \_\_\_\_\_ (*name of person*), \_\_\_\_\_,  
(*title of person authorized to receive service. Use this alternative when the defendant is a corporation or an association subject to a suit under a common name, a land grant board of trustees, the State of New Mexico or any political subdivision*).

Fees: \_\_\_\_\_

\_\_\_\_\_  
Signature of person making service

\_\_\_\_\_  
Title (*if any*)

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_<sup>2</sup>

\_\_\_\_\_  
Judge, notary or other officer  
authorized to administer oaths

\_\_\_\_\_  
Official title

#### USE NOTE

1. Unless otherwise ordered by the court, this return is not to be filed with the court prior to service of the summons and complaint on the defendant.

2. If service is made by the sheriff or a deputy sheriff of a New Mexico county, the signature of the sheriff or deputy sheriff need not be notarized.

[Adopted effective August 1, 1988; as amended by Supreme Court Order 05-8300-01, effective March 1, 2005; by Supreme Court Order 07-8300-16, effective August 1, 2007; by Supreme Court Order No. 12-8300-026, effective for all cases filed or pending on or after January 7, 2013.]

**SUMMONS**

District Court: FIRST JUDICIAL SANTA FE County, New Mexico Court Address: Post Office Box 2268 / 225 Montezuma Ave. Santa Fe, New Mexico 87504 / 87501 Court Telephone No.: 505-455-8250	Case Number: D-101-CV-2017-01749  Assigned Judge: Sarah Singleton
LESEY FAY AND PETER FAY, Plaintiffs, vs. THE HARTFORD INSURANCE COMPANY, HARTFORD FINANCIAL SERVICES GROUP INC., SENTINEL INSURANCE COMPANY, and YVONNE LYNCH, individually and as an employee of THE HARTFORD INSURANCE COMPANY and/or HARTFORD FINANCIAL SERVICES GROUP INC., SENTINEL INSURANCE COMPANY, and CRAIG BEAUDRY, individually and as an employee of BEAUDRY INSURANCE AGENCY LLC. Defendants.	Defendant  Hartford Insurance Company P.O. Box 14266 Lexington, Kentucky 40512

**TO THE ABOVE NAMED DEFENDANT(S):** Take notice that

1. A lawsuit has been filed against you. A copy of the lawsuit is attached. The Court issued this Summons.
2. You must respond to this lawsuit in writing. You must file your written response with the Court no later than thirty (30) days from the date you are served with this Summons. (The date you are considered served with the Summons is determined by Rule 1-004 NMRA) The Court's address is listed above.
3. You must file (in person or by mail) your written response with the Court. When you file your response, you must give or mail a copy to the person who signed the lawsuit.
4. If you do not respond in writing, the Court may enter judgment against you as requested in the lawsuit.
5. You are entitled to a jury trial in most types of lawsuits. To ask for a jury trial, you must request one in writing and pay a jury fee.
6. If you need an interpreter, you must ask for one in writing.
7. You may wish to consult a lawyer. You may contact the State Bar of New Mexico for help finding a lawyer at [www.nmbar.org](http://www.nmbar.org); 1-800-876-6657; or 1-505-797-6066.

Dated at Santa Fe, New Mexico, this 30 day of July, 2017.

STEPHEN T. PACHECO  
CLERK OF DISTRICT COURT

By: *Victoria M.*

Deputy



/s/ Samuel M. Herrera

Samuel M. Herrera  
The Herrera Firm PC  
Attorney for the Plaintiffs

P.O. Box 2345  
Taos, New Mexico 87571  
(575) 751-0417  
herrerafirm@qwestoffice.net

THIS SUMMONS IS ISSUED PURSUANT TO RULE 1-004 OF THE NEW MEXICO  
RULES OF CIVIL PROCEDURE FOR DISTRICT COURTS.

**RETURN<sup>1</sup>**

STATE OF NEW MEXICO )  
 )ss  
COUNTY OF \_\_\_\_\_ )

I, being duly sworn, on oath, state that I am over the age of eighteen (18) years and not a party to this lawsuit, and that I served this summons in \_\_\_\_\_ county on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, by delivering a copy of this summons, with a copy of complaint attached, in the following manner:

**(check one box and fill in appropriate blanks)**

☐ to the defendant \_\_\_\_\_ (*used when defendant accepts a copy of summons and complaint or refuses to accept the summons and complaint*)

☐ to the defendant by [mail] [courier service] as provided by Rule 1-004 NMRA (*used when service is by mail or commercial courier service*).

After attempting to serve the summons and complaint on the defendant by personal service or by mail or commercial courier service, by delivering a copy of this summons, with a copy of complaint attached, in the following manner:

☐ to \_\_\_\_\_, a person over fifteen (15) years of age and residing at the usual place of abode of defendant \_\_\_\_\_, (*used when the defendant is not presently at place of abode*) and by mailing by first class mail to the defendant at \_\_\_\_\_ (*insert defendant's last known mailing address*) a copy of the summons and complaint.

☐ to \_\_\_\_\_, the person apparently in charge at the actual place of business or employment of the defendant and by mailing by first class mail to the defendant at \_\_\_\_\_ (*insert defendant's business address*) and by mailing the summons and complaint by first class mail to the defendant at \_\_\_\_\_ (*insert defendant's last known mailing address*).

☐ to \_\_\_\_\_, an agent authorized to receive service of process for defendant \_\_\_\_\_.

☐ to \_\_\_\_\_, [parent] [guardian] [custodian] [conservator] [guardian ad litem] of defendant \_\_\_\_\_ (*used when defendant is a minor or an*



*incompetent person*).

[ ] to \_\_\_\_\_ (*name of person*), \_\_\_\_\_,  
(*title of person authorized to receive service. Use this alternative when the defendant is a corporation or an association subject to a suit under a common name, a land grant board of trustees, the State of New Mexico or any political subdivision*).

Fees: \_\_\_\_\_

\_\_\_\_\_  
Signature of person making service

\_\_\_\_\_  
Title (*if any*)

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_<sup>2</sup>

\_\_\_\_\_  
Judge, notary or other officer  
authorized to administer oaths

\_\_\_\_\_  
Official title

#### USE NOTE

1. Unless otherwise ordered by the court, this return is not to be filed with the court prior to service of the summons and complaint on the defendant.

2. If service is made by the sheriff or a deputy sheriff of a New Mexico county, the signature of the sheriff or deputy sheriff need not be notarized.

[Adopted effective August 1, 1988; as amended by Supreme Court Order 05-8300-01, effective March 1, 2005; by Supreme Court Order 07-8300-16, effective August 1, 2007; by Supreme Court Order No. 12-8300-026, effective for all cases filed or pending on or after January 7, 2013.]

**SUMMONS**

District Court: FIRST JUDICIAL SANTA FE County, New Mexico Court Address: Post Office Box 2268 / 225 Montezuma Ave. Santa Fe, New Mexico 87504 / 87501 Court Telephone No.: 505-455-8250	Case Number: D-101-CV-2017-01749  Assigned Judge: Sarah Singleton
LESEY FAY AND PETER FAY, Plaintiffs, vs. THE HARTFORD INSURANCE COMPANY, HARTFORD FINANCIAL SERVICES GROUP INC., SENTINEL INSURANCE COMPANY, and YVONNE LYNCH, individually and as an employee of THE HARTFORD INSURANCE COMPANY and/or HARTFORD FINANCIAL SERVICES GROUP INC., SENTINEL INSURANCE COMPANY, and CRAIG BEAUDRY, individually and as an employee of BEAUDRY INSURANCE AGENCY LLC. Defendants.	Defendant  YVONNE LYNCH P.O. Box 14266 Lexington, Kentucky 40512

**TO THE ABOVE NAMED DEFENDANT(S):** Take notice that

1. A lawsuit has been filed against you. A copy of the lawsuit is attached. The Court issued this Summons.
2. You must respond to this lawsuit in writing. You must file your written response with the Court no later than thirty (30) days from the date you are served with this Summons. (The date you are considered served with the Summons is determined by Rule 1-004 NMRA) The Court's address is listed above.
3. You must file (in person or by mail) your written response with the Court. When you file your response, you must give or mail a copy to the person who signed the lawsuit.
4. If you do not respond in writing, the Court may enter judgment against you as requested in the lawsuit.
5. You are entitled to a jury trial in most types of lawsuits. To ask for a jury trial, you must request one in writing and pay a jury fee.
6. If you need an interpreter, you must ask for one in writing.
7. You may wish to consult a lawyer. You may contact the State Bar of New Mexico for help finding a lawyer at [www.nmbar.org](http://www.nmbar.org); 1-800-876-6657; or 1-505-797-6066.

Dated at Santa Fe, New Mexico, this 30 day of July, 2017.

STEPHEN T. PACHECO  
CLERK OF DISTRICT COURT

By: *Victoria M.*

Deputy



/s/ Samuel M. Herrera

Samuel M. Herrera  
The Herrera Firm PC  
Attorney for the Plaintiffs

P.O. Box 2345  
Taos, New Mexico 87571  
(575) 751-0417  
herrerafirm@qwestoffice.net

THIS SUMMONS IS ISSUED PURSUANT TO RULE 1-004 OF THE NEW MEXICO  
RULES OF CIVIL PROCEDURE FOR DISTRICT COURTS.

**RETURN<sup>1</sup>**

STATE OF NEW MEXICO )  
 )ss  
COUNTY OF \_\_\_\_\_ )

I, being duly sworn, on oath, state that I am over the age of eighteen (18) years and not a party to this lawsuit, and that I served this summons in \_\_\_\_\_ county on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, by delivering a copy of this summons, with a copy of complaint attached, in the following manner:

**(check one box and fill in appropriate blanks)**

☐ to the defendant \_\_\_\_\_ (*used when defendant accepts a copy of summons and complaint or refuses to accept the summons and complaint*)

☐ to the defendant by [mail] [courier service] as provided by Rule 1-004 NMRA (*used when service is by mail or commercial courier service*).

After attempting to serve the summons and complaint on the defendant by personal service or by mail or commercial courier service, by delivering a copy of this summons, with a copy of complaint attached, in the following manner:

☐ to \_\_\_\_\_, a person over fifteen (15) years of age and residing at the usual place of abode of defendant \_\_\_\_\_, (*used when the defendant is not presently at place of abode*) and by mailing by first class mail to the defendant at \_\_\_\_\_ (*insert defendant's last known mailing address*) a copy of the summons and complaint.

☐ to \_\_\_\_\_, the person apparently in charge at the actual place of business or employment of the defendant and by mailing by first class mail to the defendant at \_\_\_\_\_ (*insert defendant's business address*) and by mailing the summons and complaint by first class mail to the defendant at \_\_\_\_\_ (*insert defendant's last known mailing address*).

☐ to \_\_\_\_\_, an agent authorized to receive service of process for defendant \_\_\_\_\_.

☐ to \_\_\_\_\_, [parent] [guardian] [custodian] [conservator] [guardian ad litem] of defendant \_\_\_\_\_ (*used when defendant is a minor or an*

*incompetent person*).

[ ] to \_\_\_\_\_ (*name of person*), \_\_\_\_\_,  
(*title of person authorized to receive service. Use this alternative when the defendant is a corporation or an association subject to a suit under a common name, a land grant board of trustees, the State of New Mexico or any political subdivision*).

Fees: \_\_\_\_\_

\_\_\_\_\_  
Signature of person making service

\_\_\_\_\_  
Title (*if any*)

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_<sup>2</sup>

\_\_\_\_\_  
Judge, notary or other officer  
authorized to administer oaths

\_\_\_\_\_  
Official title

#### USE NOTE

1. Unless otherwise ordered by the court, this return is not to be filed with the court prior to service of the summons and complaint on the defendant.

2. If service is made by the sheriff or a deputy sheriff of a New Mexico county, the signature of the sheriff or deputy sheriff need not be notarized.

[Adopted effective August 1, 1988; as amended by Supreme Court Order 05-8300-01, effective March 1, 2005; by Supreme Court Order 07-8300-16, effective August 1, 2007; by Supreme Court Order No. 12-8300-026, effective for all cases filed or pending on or after January 7, 2013.]

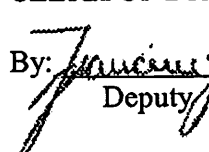
SUMMONS	
District Court: FIRST JUDICIAL SANTA FE County, New Mexico Court Address: Post Office Box 2268 / 225 Montezuma Ave. Santa Fe, New Mexico 87504 / 87501 Court Telephone No.: 505-455-8250	Case Number: D-101-CV-2017-01749  Assigned Judge: Sarah Singleton
LESEY FAY AND PETER FAY, Plaintiffs, vs. THE HARTFORD INSURANCE COMPANY, HARTFORD FINANCIAL SERVICES GROUP INC., SENTINEL INSURANCE COMPANY, and YVONNE LYNCH, individually and as an employee of THE HARTFORD INSURANCE COMPANY and/or HARTFORD FINANCIAL SERVICES GROUP INC., SENTINEL INSURANCE COMPANY, and CRAIG BEAUDRY, individually and as an employee of BEAUDRY INSURANCE AGENCY LLC. Defendants.	Defendant  HARTFORD FINANCIAL SERVICES GROUP INC. c/o Office of Superintendent of Insurance P.O. Box 1689 Santa Fe, N.M. 87504-1689


**TO THE ABOVE NAMED DEFENDANT(S):** Take notice that

1. A lawsuit has been filed against you. A copy of the lawsuit is attached. The Court issued this Summons.
2. You must respond to this lawsuit in writing. You must file your written response with the Court no later than thirty (30) days from the date you are served with this Summons. (The date you are considered served with the Summons is determined by Rule 1-004 NMRA) The Court's address is listed above.
3. You must file (in person or by mail) your written response with the Court. When you file your response, you must give or mail a copy to the person who signed the lawsuit.
4. If you do not respond in writing, the Court may enter judgment against you as requested in the lawsuit.
5. You are entitled to a jury trial in most types of lawsuits. To ask for a jury trial, you must request one in writing and pay a jury fee.
6. If you need an interpreter, you must ask for one in writing.
7. You may wish to consult a lawyer. You may contact the State Bar of New Mexico for help finding a lawyer at [www.nmbar.org](http://www.nmbar.org); 1-800-876-6657; or 1-505-797-6066.

Dated at Santa Fe, New Mexico, this 31 day of August, 2017.

STEPHEN T. PACHECO  
CLERK OF DISTRICT COURT

By:   
Deputy



/s/ Samuel M. Herrera

Samuel M. Herrera  
The Herrera Firm PC  
Attorney for the Plaintiffs

P.O. Box 2345  
Taos, New Mexico 87571  
(575) 751-0417  
herrerafirm@qwestoffice.net

THIS SUMMONS IS ISSUED PURSUANT TO RULE 1-004 OF THE NEW MEXICO  
RULES OF CIVIL PROCEDURE FOR DISTRICT COURTS.

**RETURN<sup>1</sup>**

STATE OF NEW MEXICO )  
 )ss  
COUNTY OF \_\_\_\_\_ )

I, being duly sworn, on oath, state that I am over the age of eighteen (18) years and not a party to this lawsuit, and that I served this summons in \_\_\_\_\_ county on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, by delivering a copy of this summons, with a copy of complaint attached, in the following manner:

**(check one box and fill in appropriate blanks)**

☐ to the defendant \_\_\_\_\_ (*used when defendant accepts a copy of summons and complaint or refuses to accept the summons and complaint*)

☐ to the defendant by [mail] [courier service] as provided by Rule 1-004 NMRA (*used when service is by mail or commercial courier service*).

After attempting to serve the summons and complaint on the defendant by personal service or by mail or commercial courier service, by delivering a copy of this summons, with a copy of complaint attached, in the following manner:

☐ to \_\_\_\_\_, a person over fifteen (15) years of age and residing at the usual place of abode of defendant \_\_\_\_\_, (*used when the defendant is not presently at place of abode*) and by mailing by first class mail to the defendant at \_\_\_\_\_ (*insert defendant's last known mailing address*) a copy of the summons and complaint.

☐ to \_\_\_\_\_, the person apparently in charge at the actual place of business or employment of the defendant and by mailing by first class mail to the defendant at \_\_\_\_\_ (*insert defendant's business address*) and by mailing the summons and complaint by first class mail to the defendant at \_\_\_\_\_ (*insert defendant's last known mailing address*).

☐ to \_\_\_\_\_, an agent authorized to receive service of process for defendant \_\_\_\_\_.

☐ to \_\_\_\_\_, [parent] [guardian] [custodian] [conservator] [guardian ad litem] of defendant \_\_\_\_\_ (*used when defendant is a minor or an*



*incompetent person*).

[ ] to \_\_\_\_\_ (*name of person*), \_\_\_\_\_,  
(*title of person authorized to receive service. Use this alternative when the defendant is a corporation or an association subject to a suit under a common name, a land grant board of trustees, the State of New Mexico or any political subdivision*).

Fees: \_\_\_\_\_

\_\_\_\_\_  
Signature of person making service

\_\_\_\_\_  
Title (*if any*)

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_<sup>2</sup>

\_\_\_\_\_  
Judge, notary or other officer  
authorized to administer oaths

\_\_\_\_\_  
Official title

#### USE NOTE

1. Unless otherwise ordered by the court, this return is not to be filed with the court prior to service of the summons and complaint on the defendant.
2. If service is made by the sheriff or a deputy sheriff of a New Mexico county, the signature of the sheriff or deputy sheriff need not be notarized.

[Adopted effective August 1, 1988; as amended by Supreme Court Order 05-8300-01, effective March 1, 2005; by Supreme Court Order 07-8300-16, effective August 1, 2007; by Supreme Court Order No. 12-8300-026, effective for all cases filed or pending on or after January 7, 2013.]

SUMMONS	
District Court: FIRST JUDICIAL SANTA FE County, New Mexico Court Address: Post Office Box 2268 / 225 Montezuma Ave. Santa Fe, New Mexico 87504 / 87501 Court Telephone No.: 505-455-8250	Case Number: D-101-CV-2017-01749  Assigned Judge: Sarah Singleton
LESEY FAY AND PETER FAY, Plaintiffs, vs. THE HARTFORD INSURANCE COMPANY, HARTFORD FINANCIAL SERVICES GROUP INC., SENTINEL INSURANCE COMPANY, and YVONNE LYNCH, individually and as an employee of THE HARTFORD INSURANCE COMPANY and/or HARTFORD FINANCIAL SERVICES GROUP INC., SENTINEL INSURANCE COMPANY, and CRAIG BEAUDRY, individually and as an employee of BEAUDRY INSURANCE AGENCY LLC. Defendants.	Defendant  Hartford Accident & Indemnity Co. c/o Office of Superintendent of Insurance P.O. Box 1689 Santa Fe, N.M. 87504-1689

**TO THE ABOVE NAMED DEFENDANT(S):** Take notice that

1. A lawsuit has been filed against you. A copy of the lawsuit is attached. The Court issued this Summons.
  2. You must respond to this lawsuit in writing. You must file your written response with the Court no later than thirty (30) days from the date you are served with this Summons. (The date you are considered served with the Summons is determined by Rule 1-004 NMRA) The Court's address is listed above.
  3. You must file (in person or by mail) your written response with the Court. When you file your response, you must give or mail a copy to the person who signed the lawsuit.
  4. If you do not respond in writing, the Court may enter judgment against you as requested in the lawsuit.
  5. You are entitled to a jury trial in most types of lawsuits. To ask for a jury trial, you must request one in writing and pay a jury fee.
  6. If you need an interpreter, you must ask for one in writing.
  7. You may wish to consult a lawyer. You may contact the State Bar of New Mexico for help finding a lawyer at [www.nmbar.org](http://www.nmbar.org); 1-800-876-6657; or 1-505-797-6066.
- Dated at Santa Fe, New Mexico, this 18th day of Sept, 2017.

STEPHEN T. PACHECO  
CLERK OF DISTRICT COURT

By: Ginger Sloar  
Deputy

/s/ Samuel M. Herrera

Samuel M. Herrera





The Herrera Firm PC  
Attorney for the Plaintiffs  
P.O. Box 2345  
Taos, New Mexico 87571  
(575) 751-0417  
herrerafirm@qwestoffice.net

THIS SUMMONS IS ISSUED PURSUANT TO RULE 1-004 OF THE NEW MEXICO  
RULES OF CIVIL PROCEDURE FOR DISTRICT COURTS.

**RETURN<sup>1</sup>**

STATE OF NEW MEXICO )  
 )ss  
COUNTY OF \_\_\_\_\_ )

I, being duly sworn, on oath, state that I am over the age of eighteen (18) years and not a party to this lawsuit, and that I served this summons in \_\_\_\_\_ county on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, by delivering a copy of this summons, with a copy of complaint attached, in the following manner:

**(check one box and fill in appropriate blanks)**

☐ to the defendant \_\_\_\_\_ (*used when defendant accepts a copy of summons and complaint or refuses to accept the summons and complaint*)

☐ to the defendant by [mail] [courier service] as provided by Rule 1-004 NMRA (*used when service is by mail or commercial courier service*).

After attempting to serve the summons and complaint on the defendant by personal service or by mail or commercial courier service, by delivering a copy of this summons, with a copy of complaint attached, in the following manner:

☐ to \_\_\_\_\_, a person over fifteen (15) years of age and residing at the usual place of abode of defendant \_\_\_\_\_, (*used when the defendant is not presently at place of abode*) and by mailing by first class mail to the defendant at \_\_\_\_\_ (*insert defendant's last known mailing address*) a copy of the summons and complaint.

☐ to \_\_\_\_\_, the person apparently in charge at the actual place of business or employment of the defendant and by mailing by first class mail to the defendant at \_\_\_\_\_ (*insert defendant's business address*) and by mailing the summons and complaint by first class mail to the defendant at \_\_\_\_\_ (*insert defendant's last known mailing address*).

☐ to \_\_\_\_\_, an agent authorized to receive service of process for defendant \_\_\_\_\_.

[ ] to \_\_\_\_\_, [parent] [guardian] [custodian] [conservator] [guardian ad litem] of defendant \_\_\_\_\_ (used when defendant is a minor or an incompetent person).

[ ] to \_\_\_\_\_ (name of person), \_\_\_\_\_, (title of person authorized to receive service. Use this alternative when the defendant is a corporation or an association subject to a suit under a common name, a land grant board of trustees, the State of New Mexico or any political subdivision).

Fees: \_\_\_\_\_

\_\_\_\_\_  
Signature of person making service

\_\_\_\_\_  
Title (if any)

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_<sup>2</sup>

\_\_\_\_\_  
Judge, notary or other officer  
authorized to administer oaths

\_\_\_\_\_  
Official title

#### USE NOTE

1. Unless otherwise ordered by the court, this return is not to be filed with the court prior to service of the summons and complaint on the defendant.

2. If service is made by the sheriff or a deputy sheriff of a New Mexico county, the signature of the sheriff or deputy sheriff need not be notarized.

[Adopted effective August 1, 1988; as amended by Supreme Court Order 05-8300-01, effective March 1, 2005; by Supreme Court Order 07-8300-16, effective August 1, 2007; by Supreme Court Order No. 12-8300-026, effective for all cases filed or pending on or after January 7, 2013.]